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January 16, 1998

RECEIVED

JAN 16 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Ex Parte Communications in MM Docket No. 87-268

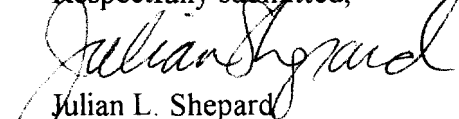
Dear Ms. Salas:

On January 16, 1998, Julian Shepard of Verner, Liipfert, Bernhard, McPherson & Hand met with Messrs. Bruce Franca and Robert Eckert of the Commission's Office of Engineering and Technology regarding the "Petition for Clarification and Partial Reconsideration of the Sixth Report and Order Submitted by Pulitzer Broadcasting Company" ("Petition") in the above-referenced proceeding on June 13, 1997. The substance of the meetings is reflected in the attached ex parte submission.

In accordance with Section 1.1206 of the Commission's Rules, an original and one copy of this letter are being filed with your office.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,



Julian L. Shepard  
Counsel to  
Pulitzer Broadcasting Company

Attachment

cc: Susan Fox, Esq.  
Paul Misener, Esq.  
Rick Chesson, Esq.  
Bruce Franca  
Keith Larson  
Robert Eckert

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Advanced Television Systems ) MM Docket No. 87-268  
and Their Impact Upon the )  
Existing Television Broadcast )  
Service )  
  
TO: The Commission

**EX PARTE SUBMISSION OF PULITZER BROADCASTING COMPANY  
REGARDING THE CORRECTION OF A DTV CHANNEL ASSIGNMENT  
IN NEW MEXICO**

Pulitzer Broadcasting Company ("Pulitzer"), the licensee of nine television broadcast stations, two television satellite stations, and the permittee of a third television satellite station,<sup>1/</sup> by its attorneys, hereby submits this "Ex Parte Submission in Support of the Correction of a DTV Channel Assignment for KOFT, Farmington, New Mexico, in the above-captioned proceeding."<sup>2/</sup>

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<sup>1/</sup> Pulitzer, either directly or through wholly-owned subsidiaries, is the licensee of the following television broadcast stations: WDSU, New Orleans, LA; WESH, Daytona Beach, FL; WGAL, Lancaster, PA; WLKY, Louisville, KY; WXII, Greensboro, NC; WYFF, Greenville, SC; KCCI, Des Moines, IA; KETV, Omaha, NE; and KOAT, Albuquerque, NM. In addition, Station KOAT operates satellite television stations KOCT, Carlsbad, NM and KOVT, Silver City, NM, and is the permittee of Station KOFT, Farmington, NM.

<sup>2/</sup> Pulitzer and its stations are Petitioners in the reconsideration phase of this proceeding and have participated in previous phases of this proceeding either as signatories to joint broadcaster submissions, or through the filing of separate comments.

The Sixth Report and Order<sup>3/</sup> in this proceeding assigned Digital Television ("DTV") Channel 8 to satellite station KOFT at Gallup, New Mexico. Pulitzer, the permittee of KOFT, sought reconsideration of this decision, apprising the Commission of its then-pending application for modification of construction permit to change the community of license to Farmington, New Mexico. Pulitzer requested a change in the DTV Table of Allotments to allocate DTV Channel 8 at Farmington rather than at Gallup, New Mexico.<sup>4/</sup>

Pulitzer hereby reiterates this request and brings new information to the attention of the Commission's staff in support thereof. Yesterday, the Chief of the Television Branch, Video Services Division, Mass Media Bureau, on delegated authority, issued a construction permit for Station KOFT (BMCT-960408KF) at Farmington, New Mexico (copy attached). This construction permit modifies the previously issued permit (950901KF) at Gallup, New Mexico. Accordingly, there is no doubt that KOFT's DTV channel assignment should be modified in a manner consistent with the current NTSC construction permit, and consistent with Pulitzer's Petition for Reconsideration in this proceeding..

In light of the grant of the modified construction permit yesterday, Pulitzer hereby reiterates its request that this matter be resolved on reconsideration to avoid subsequent costly and unnecessary administrative steps. This minor change in the DTV Table of Allotments, if implemented in the reconsideration phase of this proceeding, would be in the public interest as it would eliminate the time-consuming and costly step of pursuing a Petition for Rulemaking to

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3/ Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, MM Docket No. 87-268, FCC 97-115, 62 Fed. Reg. 26684, Sixth Report and Order (released April 21, 1997)("Sixth Report and Order").

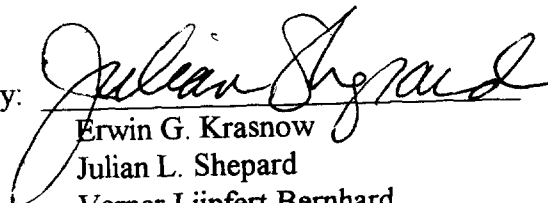
4/ Petition for Clarification and Partial Reconsideration of the Sixth Report and Order submitted by Pulitzer Broadcasting Company, June 13, 1997, ¶15-17, and Appendix D.

modify the DTV Table of Allotments. Moreover, grant of Pulitzer's request would promote the Commission's policy of expediting DTV service to the public.

Respectfully submitted,

PULITZER BROADCASTING COMPANY

By:



Erwin G. Krasnow

Julian L. Shepard

Verner Liipfert Bernhard

McPherson and Hand Chartered

901 15th Street, NW

Suite 700

Washington, D.C. 20005

(202) 371-6000

January 16, 1998



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**TELEVISION BROADCAST STATION**  
**CONSTRUCTION PERMIT**

Official Mailing Address:  
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PULITZER BROADCASTING COMPANY  
P.O. BOX 25982  
ALBUQUERQUE, NM 87125  
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Authorizing Official:

*Clay C. Pendarvis*  
Clay C. Pendarvis  
Chief, TV Branch  
Video Services Division  
Mass Media Bureau

Grant Date: 1-15-98

Call Sign: KOFT

This permit expires 3:00 a.m.  
local time, 6 months after  
grant date specified above.

Permit File No.: BMPCT-960408KF

This Permit Modifies Permit No.: 950901KF

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee:

PULITZER BROADCASTING COMPANY

Station Location:

NM-FARMINGTON

Callsign: KOFT

Permit No.: BMPCT - 960408KF

Frequency (MHz): 60.0 - 66.0

Carrier Frequency (MHz): 61.25 Visual 65.75 Aural

Channel: 3

Hours of Operation: Unlimited

Transmitting Antenna location (address or description):

NM-4.0 KM SE (bearing 160 degrees True) of Farmington,

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670  
of the Commission's Rules.

Antenna type: (directional or non-directional): Non-Directional

Description: Alan Dick &amp; Co. 6-Bay "bat wing"

Major lobe directions (degrees true): Not applicable

Antenna Coordinates:	North Latitude :	36	41	48
	West Longitude :	108	10	39

Transmitter output power.....: As required to achieve authorized ERP

Maximum effective radiated power (PEAK): 100.0 kW  
: 20.0 DBK

Height of radiation center above ground.....: 79 Meters

Height of radiation center above mean sea level.: 1847 Meters

Height of radiation center above average terrain: 126 Meters

Antenna structure registration number: none

Overall height of antenna structure above ground  
(including obstruction lighting if any): 82 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

Callsign: KOFT

Permit No.: BMPCT - 960408KF

## PARAGRAPH 01.0, FCC FORM 715 (OCTOBER 1985):

Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 100 feet nor less than 1 and 1/2 feet in width. All towers shall be cleaned and repainted as often as necessary to maintain good visibility.

## PARAGRAPH 03.0, FCC FORM 715 (APRIL 1985):

There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 620- or 700-watt lamps (PS-40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to approximately one-half of the luminous period.

## PARAGRAPH 11.0, FCC FORM 715 (APRIL 1985):

At the approximate mid point of the over-all height of the tower there shall be installed at least two 116- or 125-watt lamps (A21/T5) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

## PARAGRAPH 21.0, FCC FORM 715 (APRIL 1985):

All lighting shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

Callsign: KOFT

Permit No.: BMPCT - 960408KF

## PARAGRAPH 22.0, FCC FORM 715 (APRIL 1985):

During construction of an antenna structure, for which obstruction lighting is required, at least two 116- or 125-watt lamps (A21/TS) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

## Special operating conditions or restrictions:

1. Prior to construction of the tower authorized herein, permittee shall notify AM Station(s) listed below so that, if necessary, the AM station(s) may determine operating power by the indirect method and request temporary authority from the Commission in Washington, D.C. to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station(s). Both prior to construction of the tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the AM array has not been adversely affected and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission.  
(Revised March 14, 1983)

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\*\*\* END OF AUTHORIZATION \*\*\*